

MINUTES
EVANS CITY COUNCIL
Regular Meeting
January 15, 2013 - 7:30 P.M.

CALL TO ORDER

Mayor Achziger called the meeting to order at 7:30 p.m.

PLEDGE

ROLL CALL:

Present: Mayor Lyle Achziger, Mayor Pro-Tem John Morris, Council members Laura Brown, Fred Burmont, April Neibauer, Brian Rudy, and Jay Schaffer

AUDIENCE PARTICIPATION:

Sheeree Martin, from 1522 38th Street, addressed City Council to express concerns about potholes on her street and problems with her sewer line connecting to the City's sewage system. She explained that this problem has been brought to the attention of City's Public Works Director and directly to the Evans Planning Commission on January 13th, 2013. Ms. Martin discussed her frustrations with the sections of city code that address sewage and wastewater infrastructure for citizens, and warned the City Council about perjury and obstruction of justice.

APPROVAL OF AGENDA:

The motion to approve the agenda was moved by Councilmember Schaffer, seconded by Councilmember Brown. The motion passed with all voting in favor thereof.

CONSENT AGENDA:

A. Approval of Minutes of the Regular Meeting of January 2, 2013

Mayor Pro-Tem Morris made motion, seconded by Councilmember Brown to approve the Consent Agenda as presented. The motion passed with all voting in favor thereof.

NEW BUSINESS:

A. Resolution No. 03-2012— Concerning approving the Highway 85 Corridor Urban Renewal Plan and Finding that the Plan Area is a Blighted Area, Designating Such Area as Appropriate for an Urban Renewal Project Pursuant to the Highway 85 Corridor Urban Renewal Plan, and Finding that the Acquisition, Clearance, Rehabilitation, Conservation, Development, Redevelopment, Or A Combination Thereof of Such Area is Necessary in the Interest of the Public Health, Safety, Morals, and Welfare of the Citizens of the City of Evans.

Sheryl Trent, City Community and Economic Development Director, summarized the Resolution and introduced Malcolm Murray, land use attorney for the Evans Renewal Authority (ERA).

Mr. Murray addressed City Council to explain the need for the Highway 85 Corridor Urban Renewal Plan according to state urban renewal laws and the need for the Resolution according to Section 31-25-107, C.R.S. He discussed the different parcels within the plan area, and discussed the 11 factors that are considered when determining whether an area is blighted for the purpose of urban renewal. He also explained that all of the criteria were found in the Conditions Survey that assessed the 164 properties

within the Highway 85 Corridor Urban Renewal Plan.

Anne Ricker, ERA consultant, representing Ricker Cunningham, discussed other considerations such as assessed value, actual land value, and property utilization. She then summarized each of the 11 criteria, listed under Section 31-25-103(2), C.R.S., used to determine whether an area is blighted, including:

- slum, deteriorated, or deteriorated structures;
- defective or inadequate street layouts;
- faulty lot layouts;
- unsanitary or unsafe conditions;
- deterioration of sites or other improvements;
- unusual topography or inadequate public improvements or utilities;
- defective or unusual conditions creating an unmarketable area;
- conditions that may endanger life or property by fire or other causes;
- unsafe or unhealthy buildings;
- environmental contamination of buildings or property; and
- the existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of sites, buildings, or improvements.

Ms. Ricker explained how the different properties in the conditions survey were assessed and discussed specific problems related to plan area, including development within flood zones, safety concerns of fire endangering life or property, areas in need of infrastructure improvements, and levels of traffic accidents and police incidents within the area. Ms. Ricker discussed the potential tax improvements that may be possible by redeveloping the area included in the Urban Renewal Plan.

Mayor Achziger asked questions about the current tax base from the area within the ERA and the impact of tax increment financing (TIF) on future tax revenues. Ms. Ricker discussed how TIF can help improve properties and businesses and property values within urban renewal areas.

Council Member Burmont asked about the amount of support from other taxing entities that would be impacted by TIF improvements and reassessed property values within the urban renewal area. Ms. Ricker explained that state law requires the City to send an impact report to the County and notify the School District about the Urban Renewal Plan.

Council Member Burmont wanted to know whether the City of Evans has notified the other taxing entities impacted by the Urban Renewal Plan

Ms. Trent explained that all taxing entities impacted by Urban Renewal plan have been notified about the Urban Renewal Plan.

Council Member Burmont wanted to know what the Resolution would establish for potential TIF.

Mr. Murray explained that the adoption of the Resolution does not commit the City to TIF, but it is necessary to establish the assessed property tax value and sales tax base.

Ms. Trent explained how the property tax base would be determined.

Mayor Pro-Tem Morris asked about the factors used to determine an area as blighted.

Mr. Murray explained that all 11 factors listed in the State Urban Renewal Law were present in the Highway 85 Corridor Urban Renewal Plan, and discussed the purpose of adopting the Resolution. He explained that the Resolution officially adopts the Urban Renewal Plan to satisfy the statutory requirements under Section 31-25-107, C.R.S.

Mr. Murray talked about recent changes to Urban Renewal Law that limited the use for determining agricultural land, also known as “green fields,” as blighted. He explained that the Plan conforms with the City’s Comprehensive Plan and assured council that the Resolution addressed the 85 Corridor and does not include any green fields. Mr. Murray also explained that the public notice requirements had been met for the Urban Renewal Plan, and discussed specific timelines and the need to consider specific properties within the plan area.

According to the Staff Report to Council, the public were notified about the hearing in accordance with Chapter 19.64 of the City’s Municipal Code. Additionally, two postcards were mailed to all owners and tenants in the plan area. A public information regarding the Urban Renewal Plan meeting was held on Thursday, November 13th, 2012, and the City Planning Commission conducted a meeting on January 8, 2013, where they passed a resolution confirming that the Highway 85 Corridor Plan conforms with the Comprehensive Plan.

Mr. Murray talked about relocation policies for any displaced businesses or families in the plan area, and discussed possible financial assistance to help with relocation in order to redevelop properties within the area. He also explained that the ERA does not have authority for zoning or land use changes, and such changes to redevelop specific property within the plan area would still be required to go through either the City Planning Commission or the Zoning Board of Appeals.

Mayor Achziger asked about property owners who want to improve or redevelop their property. Mr. Murray explained that TIF could be used to benefit individual property owners within the Urban Renewal Area.

Ms. Trent talked about the significance of improving the corridor, and explained that the Urban Renewal Plan conforms with the City’s Highway 85 Master Plan, Comprehensive Plan, and Access Control Plan.

Mayor Achziger complimented the presentation prepared by staff.

AUDIENCE PARTICIPATION:

David Bradley, representing 85 Liquor, located at 3705 West Service Road, addressed City Council and explained his concerns with the Urban Renewal Plan.

He said he specifically supports TIF if it is used to help property owners to revitalize businesses along the highway corridor. He also asked about the time frame of the Urban Renewal Plan and the estimated sales tax increases displayed in the presentation.

Tim Schoneck, representing his business at 3725 West Service Road, addressed City Council to talk about the conditions survey within the renewal plan and expressed concerns about property owners being burdened by increasing property taxes.

Carla Bradley, representing 85 Liquor, located at 3705 West Service Road, addressed City Council to

support improving the corridor, and talked about the impact of designating the area as blighted, through the adoption of the Resolution. Mrs. Bradley discussed the factors used to designate the area as blighted, talked specifically about unsafe and unhealthy buildings in the plan area, and asked if input from the fire department was provided to determine if life and property were at risk from fire. She also discussed the finding of endangered life and property and other concerns with the Urban Renewal Plan, and expressed concern about the need to install sprinkler systems in businesses and improve access to the area for emergency response.

Mayor Achziger asked Mr. Murray to respond to Ms. Bradley's concerns.

Mr. Murray discussed the factors of blight provided under the Urban Renewal Law and explained that the health, safety, and welfare factors were not necessarily a reflection of business or property owners, but still may be present in the area. He discussed the need to improve the area to address specific needs, such as: deteriorating infrastructure, safety hazards, as well as the presence of crime, graffiti, etc. He also discussed the relationship between the Urban Renewal Plan and the City's Comprehensive Plan, and explained the timeframe of the plan once the resolution is adopted. He also described some of the benefits to implementing the plan including: improvements to property and businesses and potential TIF assistance to landowners and developers.

Mayor Achziger and Mr. Murray discussed the mechanisms of TIF and the impact of increasing property and businesses taxes in the urban renewal area.

Ms. Ricker explained that any increased sales or property taxes from TIF improvements would first be used towards the costs of improvements within the plan area. Ms. Ricker and Mrs. Bradley discussed TIF and explained that the timeframe for improvements to be repaid can be up to 25 years.

Discussion ensued between Ms. Ricker, Mrs. Bradley, and members of City Council concerning safety issues related to fire protection for property owners and businesses within the urban renewal area.

Mayor Achziger and Ms. Ricker explained the need for the Conditions Survey to identify factors of blight, and the potential benefits to the plan area through TIF.

Sheeree Martin, 1522 38th Street, addressed City Council to talk about problems associated with forcing industrial businesses out of the City and expressed concerns about improved commercial development increasing the property taxes for citizens.

Mr. and Mrs. Bradley addressed City Council to ask about the authority of the ERA and if would be a taxing entity. Mayor Achziger explained that the ERA was not a taxing entity but talked about the potential improvements that could be made through TIF.

Mr. Murray addressed the questions about the authority of the ERA to create other special districts. He explained that an URA does not have taxing authority, but can create metropolitan districts or special improvement districts to support certain public improvements of an urban renewal plan. Any type of supporting district would require the approval of City Council and property owners within the district boundary.

REPORTS:

The City Manager reported on the following:

- The City Manager presented the 2012 Annual Building Report to City Council. Council Members received copies of the report.

The City Attorney had nothing to report.

ADJOURNMENT:

Mayor Achziger adjourned the meeting at 9:10 p.m.




Raegan Robb, City Clerk

***SIGN-IN SHEET FOR
January 15, 2013
CITY COUNCIL MEETING***

City Council please asks to limit the time of your comments to two (2) minutes.

PLEASE PRINT

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